IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1954 OF 1996

Vidya Pratisthan & anr. ..Petitioners.

Vs.

S.B.Salunkhe & anr. ..Respondents.

...

None for the Petitioners.

Mr.Vikram Pai for Respondent No.1.

....

CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

13th September, 2005.

P.C. :

The Petitioner has challenged the order of the College Tribunal directing reinstatement of Respondent No.1. Though the Petition was admitted, no interim relief was granted. During the pendency of the Petition, Respondent No.1 has expired. From the records we find that on 22nd April, 1996 there was interim stay of the impugned order of the Tribunal on the condition of the Petitioners paying the salary of the Respondent regularly. As the order was not complied with, by order dated 11th October, 1996, the learned Bench vacted the order and the management was directed to comply with the

order dated 7th August, 1995 passed by the College Tribunal.

On behalf of Respondent No.1, learned counsel makes a statement that during her life time, Respondent No.1 was paid her wages including backwages as ordered by the Tribunal and that any other benefits subsequent to her death are yet to be paid.

Considering the above Respondent No.1 if entitled to the benefits for the period she was in service including by way of retirement gratuity and other terminal benefits, the Petitioners are bound to pay the same to the legal heirs.

As none present for the Petitioners, and as the Legal Representatives of Respondent No.1 have not been brought on record, the Petition dismissed as abated.

It is, however, made clear that if the Legal Heirs of Respondent No.1 are entitled to the benefits, it would be open for them to take such other remedies in accordance with law.

(F.I.REBELLOW, J.)

(DR.D.Y.CHANDRACHUD, J.)